

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LEVI GIDDINGS,

Plaintiff,

24cv674

ELECTRONICALLY FILED

v.

M. J. ZAKEN *SUPERINTENDENT*, S. BUZAS
DEPUTY SUPERINTENDENT,
MR.COULEHAN *UNIT MANAGER*,
MR.HURD *COUNSELOR*,

Defendants.

ORDER OF COURT DISMISSING CASE

On May 6, 2024, Plaintiff Levi Giddings, who is a state prisoner currently housed at the State Correctional Institution at Camp Hill, Pennsylvania (SCI-Camp Hill) filed a Motion to Proceed *In Forma Pauperis*, Declaration and an attached Complaint alleging violations of his civil rights. [Doc. 1](#).

On May 7, 2024, United States Magistrate Judge Maureen P. Kelly, to which this matter was referred, issued a Deficiency Order identifying several filing deficiencies. Plaintiff was required to submit an Amended Complaint, as the Initial Complaint, did not comply Rule 8 of the Federal Rules of Civil Procedure. Plaintiff was mailed the notice of Deficiency Order and thereafter on July 11, 2024, a Show Cause Order was issued requiring Plaintiff to respond by August 12, 2024.

Plaintiff has not corrected the identified filing deficiencies and specifically has not filed an Amended Complaint as Ordered on May 7, 2024. Therefore, on December 4, 2024, Magistrate Judge Kelly issued a Report and Recommendation wherein she conducted an analysis pursuant to Fed. R. Civ. Pr. 41(b) and *Poulis v. State Farm Fire and Casualty*, 747 F.2d 863 (3d

Cir. 1984) and determined that this case should be dismissed without prejudice for failure to prosecute or to comply with Orders of the Court. [Doc. 11](#).

Plaintiff, as an unregistered ECF-user, was notified that pursuant to 28 U.S.C. § 636(b)(1) he had until December 23, 2024, to file Objections to the Report and Recommendation. (*Id.*). As of this date, no Objections have been filed.

After *de novo* review of the Record in this matter, including the allegations of the deficient Complaint, and Magistrate Judge Kelly's Report and Recommendation ([Doc. 11](#)), the Court ORDERS that this case be dismissed without prejudice for failure to prosecute or to comply with Orders of the Court.

It is further ORDERED that the December 4, 2024, Report and Recommendation ([Doc. 11](#)) is affirmed and adopted as the Opinion of the Court.

The Clerk of Court shall mark this case closed.

SO ORDERED this 6th day of January, 2025.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: U.S. Magistrate Judge Maureen P. Kelly

LEVI GIDDINGS
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All ECF Registered Counsel of Record